

FILED

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE MIDDLE DISTRICT OF ALABAMA  
EASTERN DIVISION

JAN 20 2006

CLERK  
U. S. DISTRICT COURT  
MIDDLE DIST. OF ALA.

UNITED STATES OF AMERICA )

v. )

MICHAEL SMITH )

CR. NO. 3:06CR031-W

[18 USC § 922(g)(3);

18 USC § 922(g)(1);

21 USC § 856(a)(1)]

INDICTMENT

The Grand Jury charges:

COUNT 1

Beginning from an unknown date, up to and continuing to August 24, 2005, in Lee County,  
within the Middle District of Alabama,

MICHAEL SMITH,

defendant herein, then being an unlawful user of a controlled substance as defined in 21 USC § 802;  
did knowingly possess in and affecting commerce, a firearm, to-wit: a Tanfoglio, F.I.L.I., S.N.C.,  
Model TA76, .22 caliber revolver, serial number D10327, in violation of Title 18 United States  
Code, section 922(g)(3).

COUNT 2

Beginning from an unknown date, up to and continuing to August 24, 2005, in Lee County,  
within the Middle District of Alabama,

MICHAEL SMITH,

defendant herein, having been convicted of the following felony, a crime punishable by  
imprisonment for a term exceeding one year under the laws of the State of Alabama, to-wit:

1) 8/97, Felony DUI, in the Circuit Court of Lee County, Alabama, CC-97-715; did knowingly possess in and affecting commerce a firearm, to-wit: a Tanfoglio, F.I.L.I., S.N.C., Model TA76, .22 caliber revolver, serial number D10327, in violation of Title 18, United States Code, Section, 922(g)(1).

COUNT 3

Beginning from an unknown date, up to and continuing to August 24, 2005, in Lee County, within the Middle District of Alabama,

MICHAEL SMITH,  
defendant herein, did knowingly and intentionally, open, lease, rent, use or maintain a place located at 823 Lee Road 375, Lee County, Alabama, for the purpose of manufacturing, distributing, and using methamphetamine, in violation of Title 21, United States Code, Section 856(a)(1).

FORFEITURE ALLEGATION

A. Counts 1 and 2 of this indictment are hereby repeated and incorporated herein by reference.

B. Upon conviction for the violation of Title 18, United States Code, Section 922(g)(1) and (g)(3), as alleged in Count 1 and Count 2 of this indictment the defendant,

MICHAEL SMITH,  
shall forfeit to the United States, pursuant to Title 18, United States Code, Section 924, and Title 28, United States Code, Section 2461(c), all firearms involved in the commission of this offense, including but not limited to the following:


A Tanfoglio, F.I.L.I., S.N.C., Model TA76, .22 caliber revolver, serial number D10327


C. If any of the property described in this forfeiture allegation, as a result of any act an omission of the defendant:

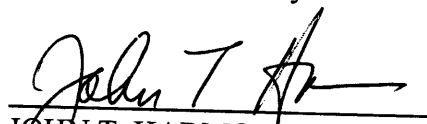
- (1) cannot be located upon the exercise of due diligence;
- (2) has been transferred, sold to, or deposited with a third person;
- (3) has been placed beyond the jurisdiction of the court;
- (4) has been substantially diminished in value; or,
- (5) has been commingled with other property which cannot be divided without

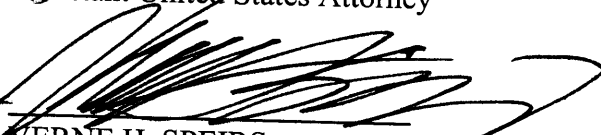
difficulty; the United States, pursuant to Title 21, United States Code, Section 853, as incorporated by Title 28, United States Code, Section 2461(c), intends to seek an order of this Court forfeiting any other property of said defendant up to the value of the property described above, all in violation of Title 18, United States Code, Section 922(g)(1) and (g)(3).

A TRUE BILL:

  
Foreperson

  
LEURA GARRETT CANARY  
United States Attorney

  
JOHN T. HARMON  
Assistant United States Attorney

  
VERNE H. SPEIRS  
Assistant United States Attorney